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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,296	02/12/2004	Yuji Takagi	MM4652	7399

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EXAMINER	
DUNWOODY, AARON M	
ART UNIT	**PAPER NUMBER**
3679	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/779,296	TAKAGI ET AL.	
	Examiner	Art Unit	
	Aaron M Dunwoody	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 3/18/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5349988, Walsh et al.

In regards to claim 1, in Figures 4 and 5, Walsh et al disclose a metallic tubular hose comprising a hose body having a longitudinal edge at one end thereof and a bellows metallic tube inner layer with the bellows metallic tube inner layer composed of a corrugated bellows portion and a restricted portion, a jacket composed of a plurality of layers surrounding the inner layer, a rigid insert pipe extending into the hose body and a metallic sleeve engaging the hose body along the longitudinal edge for compressing the jacket against the rigid insert pipe wherein the plurality of layers in the jacket includes an inner layer adjacent to the restricted portion of the bellows metallic tube inner layer

composed of a flexible and hard material of a rubber or resin composition possessing a tensile modulus of between 4MPa and 8MPa for a composition of rubber and above 300MPa for resin material composition.

In regards to claim 2, Walsh et al disclose the tensile modulus of the resin composition being between 1000MPa and 6000MPa.

In regards to claim 3, Walsh et al disclose the restricted portion being commensurate in length with the longitudinal edge and being a linear straight portion.

In regards to claim 4, Walsh et al disclose the jacket further including a reinforcing layer laminated over the inner layer and an outer layer.

In regards to claim 5, Walsh et al disclose the inner layer in the jacket having a thickness of between 0.05mm and 0.5mm.

In regards to claims 6 and 7, Walsh et al disclose the inner layer in the jacket being composed of a rubber material selected from the group consisting of: silicone rubber, chloroprene rubber, chlorosulfonated polyethylene, butyl rubber, halogenated butyl rubber, acrylic rubber, EPM, EPDM, nitrile rubber, and mixtures thereof.

In regards to claim 8, Walsh et al disclose the inner layer in the jacket being composed of a resin material selected from the group consisting of : polyamide, denatured polyamide, PE, PP,PET PBT, PBN, PVDF,ETFE, PPS, ABS, EVA and mixtures thereof.

In regards to claim 9, Walsh et al disclose the denatured polyamide being a mixture of polyamide and denatured polyolefin containing a carboxylic group.

In regards to claim 10, Walsh et al disclose the polyamide being selected from the group consisting of polyamide 6, polyamide 11, polyamide 12, polyamide 46, polyamide 6-6, polyamide 6-10, polyamide 6-12, polyamide MXD-66 or copolymers of two or more of the polyamides in the group.

In regards to claim 11, Walsh et al disclose the mixture being in a proportional range by weight between polyamide and denatured polyolefin of 90/10 - 50/50.

In regards to claim 12, Walsh et al disclose the proportional range lies between 65/35 - 55/45.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5413147, Moreiras et al.

In regards to claim 1, in Figures 4 and 5, Moreiras et al disclose a metallic tubular hose comprising a hose body having a longitudinal edge at one end thereof and a bellows metallic tube inner layer with the bellows metallic tube inner layer composed of a corrugated bellows portion and a restricted portion, a jacket composed of a plurality of layers surrounding the inner layer, a rigid insert pipe extending into the hose body and a metallic sleeve engaging the hose body along the longitudinal edge for compressing the jacket against the rigid insert pipe wherein the plurality of layers in the jacket includes an inner layer adjacent to the restricted portion of the bellows metallic tube inner layer composed of a flexible and hard material of a rubber or resin composition possessing a tensile modulus of between 4MPa and 8MPa for a composition of rubber and above 300MPa for resin material composition.

In regards to claim 2, Moreiras et al disclose the tensile modulus of the resin composition being between 1000MPa and 6000MPa.

In regards to claim 3, Moreiras et al disclose the restricted portion being commensurate in length with the longitudinal edge and being a linear straight portion.

In regards to claim 4, Moreiras et al disclose the jacket further including a reinforcing layer laminated over the inner layer and an outer layer.

In regards to claim 5, Moreiras et al disclose the inner layer in the jacket having a thickness of between 0.05mm and 0.5mm.

In regards to claims 6 and 7, Moreiras et al disclose the inner layer in the jacket being composed of a rubber material selected from the group consisting of: silicone rubber, chloroprene rubber, chlorosulfonated polyethylene, butyl rubber, halogenated butyl rubber, acrylic rubber, EPM, EPDM, nitrile rubber, and mixtures thereof.

In regards to claim 8, Moreiras et al disclose the inner layer in the jacket being composed of a resin material selected from the group consisting of : polyamide, denatured polyamide, PE, PP,PET.PBT, PBN, PVDF,ETFE, PPS, ABS, EVA and mixtures thereof.

In regards to claim 9, Moreiras et al disclose the denatured polyamide being a mixture of polyamide and denatured polyolefin containing a carboxylic group.

In regards to claim 10, Moreiras et al disclose the polyamide being selected from the group consisting of polyamide 6, polyamide 11, polyamide 12, polyamide 46, polyamide 6-6, polyamide 6-10, polyamide 6-12, polyamide MXD-66 or copolymers of two or more of the polyamides in the group.

In regards to claim 11, Moreiras et al disclose the mixture being in a proportional range by weight between polyamide and denatured polyolefin of 90/10 - 50/50.

In regards to claim 12, Moreiras et al disclose the proportional range lies between 65/35 - 55/45.

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent 6623046, Fritz et al.

In regards to claim 1, in Figures 4 and 5, Fritz et al disclose a metallic tubular hose comprising a hose body having a longitudinal edge at one end thereof and a bellows metallic tube inner layer with the bellows metallic tube inner layer composed of a corrugated bellows portion and a restricted portion, a jacket composed of a plurality of layers surrounding the inner layer, a rigid insert pipe extending into the hose body and a metallic sleeve engaging the hose body along the longitudinal edge for compressing the jacket against the rigid insert pipe wherein the plurality of layers in the jacket includes an inner layer adjacent to the restricted portion of the bellows metallic tube inner layer composed of a flexible and hard material of a rubber or resin composition possessing a tensile modulus of between 4MPa and 8MPa for a composition of rubber and above 300MPa for resin material composition.

In regards to claim 2, Fritz et al disclose the tensile modulus of the resin composition being between 1000MPa and 6000MPa.

In regards to claim 3, Fritz et al disclose the restricted portion being commensurate in length with the longitudinal edge and being a linear straight portion.

In regards to claim 4, Fritz et al disclose the jacket further including a reinforcing layer laminated over the inner layer and an outer layer.

In regards to claim 5, Fritzet al disclose the inner layer in the jacket having a thickness of between 0.05mm and 0.5mm.

In regards to claims 6 and 7, Fritz et al disclose the inner layer in the jacket being composed of a rubber material selected from the group consisting of: silicone rubber, chloroprene rubber, chlorosulfonated polyethylene, butyl rubber, halogenated butyl rubber, acrylic rubber, EPM, EPDM, nitrile rubber, and mixtures thereof.

In regards to claim 8, Fritz et al disclose the inner layer in the jacket being composed of a resin material selected from the group consisting of : polyamide, denatured polyamide, PE, PP,PET PBT, PBN, PVDF,ETFE, PPS, ABS, EVA and mixtures thereof.

In regards to claim 9, Fritz et al disclose the denatured polyamide being a mixture of polyamide and denatured polyolefin containing a carboxylic group.

In regards to claim 10, Fritzet al disclose the polyamide being selected from the group consisting of polyamide 6, polyamide 11, polyamide 12, polyamide 46, polyamide 6-6, polyamide 6-10, polyamide 6-12, polyamide MXD-66 or copolymers of two or more of the polyamides in the group.

In regards to claim 11, Fritz et al disclose the mixture being in a proportional range by weight between polyamide and denatured polyolefin of 90/10 - 50/50.

In regards to claim 12, Fritz et al disclose the proportional range lies between 65/35 - 55/45.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aaron M Dunwoody
Primary Examiner
Art Unit 3679

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